

35.86 History: 1959 c. 516; Stats. 1959 s. 35.86; 1963 c. 149; 1965 c. 18 s. 10; 1965 c. 150 s. 22; 1967 c. 107 s. 36; 1969 c. 276 ss. 589 (1) (c), 592 (7), 596; 1969 c. 366 s. 117 (2) (a).

Comment of Interim Committee on State Publications, 1959: Old 35.86 is renumbered 35.86 (1). State agencies which have no formal exchange programs are deleted from this subsection, and other state agencies which have formal exchange programs but which were not listed in the old section have been added. A provision is added to enable other state agencies to initiate exchange programs on application to the director of purchases. The last sentence in old 35.86 is renumbered 35.86 (2) with minor verbal changes.

New subs. (3), (4) and (6) are created. Old 35.92 (17) is renumbered 35.86 (5). The purpose of this section is to tighten controls over the state's exchange programs to insure that the state receives equal value for what it distributes in exchange, to provide a central source of information about state exchange programs, and to define "public document" as used in this section. (See Bill 8, S) [Bill 617-S]

35.87 History: 1907 c. 1; Stats. 1911 s. 111m; 1917 c. 336 s. 89; Stats. 1917 s. 35.87; 1923 c. 271 s. 2; 1951 c. 596; 1959 c. 324; 1959 c. 516; 1959 c. 649 s. 16; 1967 c. 107 s. 36.

Legislative documents may be mailed to places outside the state under this section when the transportation charge has been paid. 10 Atty. Gen. 103.

35.88 History: 1874 c. 243 s. 51; R. S. 1878 s. 358; 1897 c. 379; Stats. 1898 s. 358; 1911 c. 657; Stats. 1911 s. 20.86; 1917 c. 178 s. 2; 1917 c. 336 s. 90; Stats. 1917 s. 35.88; 1959 c. 516.

Comment of Interim Committee on State Publications, 1959: Old 35.88 is reenacted without change. [Bill 617-S]

35.89 History: 1874 c. 243 s. 52; R. S. 1878 s. 359; 1885 c. 67; Stats. 1898 s. 359; 1911 c. 657; Stats. 1911 s. 20.87; 1913 c. 122; 1913 c. 771 s. 41; 1917 c. 336 s. 91; Stats. 1917 s. 35.89; 1931 c. 45 s. 1, 4; 1959 c. 228 s. 62; 1959 c. 516; 1967 c. 107 s. 36.

Comment of Interim Committee on State Publications, 1959: Old 35.89 is reenacted, re-titled, and revised to bring it into line with present administrative practice. [Bill 617-S]

35.90 History: 1911 c. 657; Stats. 1911 s. 20.88; 1917 c. 336 s. 92; Stats. 1917 s. 35.90; 1931 c. 45 s. 12; 1959 c. 89; 1959 c. 228 s. 62; 1959 c. 516; 1959 c. 649 s. 17; 1967 c. 29 s. 4; 1967 c. 107 s. 36.

35.91 History: 1959 c. 516; Stats. 1959 s. 35.91; 1965 c. 249 ss. 22, 78; 1965 c. 621, 625; 1967 c. 107 s. 36; 1967 c. 159; 1967 c. 291 s. 14; 1969 c. 154 ss. 134s, 377; 1969 c. 276 s. 602 (1).

Comment of Interim Committee on State Publications, 1959: Old 35.91 is renumbered 35.91 (1), and it is amended to provide for the sale of all state publications for which free distribution is not provided by statute. During the 1955-1957 fiscal biennium about 90 per cent of state publications was distributed without charge. The purpose of this subsection is to reduce free distribution to a less costly amount. (See Bill 8, S.) Old 35.34 (2) is renumbered 35.91 (2). [Bill 617-S]

35.93 History: 1939 c. 428; Stats. 1939 s. 35.93; 1951 c. 717; 1953 c. 276; 1955 c. 221; 1957 c. 426; 1959 c. 228 s. 62, 64; 1959 c. 516; 1961 c. 532; 1963 c. 224; 1965 c. 30; 1965 c. 249 s. 78; 1967 c. 107 s. 36; 1969 c. 276 ss. 585 (2), 596.

Comment of Interim Committee on State Publications, 1959: Old 35.93 is reenacted with minor verbal changes. [Bill 617-S]

On the extent to which the administrative procedure act confers rule-making authority see notes to 227.014.

The purpose of the legislature in requiring the filing of rules with the secretary of state under 227.03 and in providing for publication under 35.93, Stats. 1947, is apparently to provide a standard by which members of the public can inform themselves with certainty of the exact obligation imposed by administrative rules at any given time. 37 Atty. Gen. 391, 392. See also 39 Atty. Gen. 513, 515.

A member of the legislature is entitled to but one copy of the Wisconsin administrative code plus current service. His reelection does not entitle him to an additional copy. 48 Atty. Gen. 39.

35.94 History: 1959 c. 516; 1959 c. 659 s. 51; Stats. 1959 s. 35.94; 1967 c. 291 s. 14.

Comment of Interim Committee on State Publications, 1959: Old 35.94 is transferred to 35.012 and 35.46. Old 35.92 (20) is renumbered new 35.94 with minor verbal changes. [Bill 617-S]

CHAPTER 36.

University of Wisconsin.

36.01 History: 1866 c. 114 s. 5; 1870 c. 80; 1872 c. 135; R. S. 1878 s. 377; Stats. 1898 s. 377; 1917 c. 453 s. 2; Stats. 1917 s. 36.01.

36.02 History: 1969 c. 276; Stats. 1969 s. 36.02.

36.03 History: 1866 c. 114 s. 6, 7, 10; 1869 c. 13 s. 1; R. S. 1878 s. 379; Stats. 1898 s. 379; 1903 c. 260 s. 1; Supl. 1906 s. 379; 1917 c. 453 s. 2; Stats. 1917 s. 36.03; 1947 c. 9 s. 31; 1949 c. 197; 1959 c. 659 s. 79; 1967 c. 29 s. 1; 1969 c. 276.

On internal improvements see notes to sec. 10, art. VIII; on supporting a state university see notes to sec. 6, art. X; and on appropriations to the state university see notes to 20.285.

The regents of the university of Wisconsin are an agency of the state, and while they may acquire property, the same is really held by them as the agency of the state in furtherance of the state's purpose to maintain a university. *Wisconsin Univ. Bldg. Corp. v. Bareis*, 257 W 497, 44 NW (2d) 259.

The board of regents of the university, which is declared to be a body corporate by 36.03, Stats. 1921, has no powers except such as are conferred upon it by the express language of the statute, or by fair or necessary implication therefrom. 12 Atty. Gen. 50.

The regents have authority to convey land to the United States for a proper university purpose. 37 Atty. Gen. 251.

36.04 History: 1866 c. 114 s. 14, 15; R. S. 1878 s. 380; Stats. 1898 s. 380; 1917 c. 433 s.

2; Stats. 1917 s. 36.04; 1967 c. 29 s. 4; 1969 c. 276.

36.05 History: 1913 c. 200; Stats. 1913 s. 380a; 1917 c. 453 s. 2; Stats. 1917 s. 36.05; 1969 c. 276 s. 603 (3), (4).

36.06 History: R. S. 1858 c. 21 s. 10; 1866 c. 114 s. 7; 1876 c. 229 s. 2; R. S. 1878 s. 381; 1885 c. 9; 1887 c. 62; 1889 c. 416; Ann. Stats. 1889 s. 381, 389a, 389b; Stats. 1898 s. 381; 1913 c. 758 s. 6; 1917 c. 453 s. 2; Stats. 1917 s. 36.06; 1919 c. 33; 1923 c. 405 s. 2; 1925 c. 32; 1927 c. 525 s. 2; 1927 c. 542 s. 2; 1937 c. 1, 241; 1941 c. 83; 1947 c. 28; 1949 c. 486, 601; 1951 c. 68; 1953 c. 402, 631; 1955 c. 144; 1957 c. 504, 593; 1959 c. 659 s. 82; 1963 c. 6, 419; 1965 c. 433 s. 121; 1967 c. 43; 1967 c. 291 s. 14; 1969 c. 58; 1969 c. 154 s. 377; 1969 c. 276 ss. 588 (1), 594 (1), 603 (3), (4); 1969 c. 455.

On loaning the credit of the state see notes to sec. 3, art. VIII; and on contracting state debts see notes to sec. 4, art. VIII.

A professor in the university is not a public officer in any sense that excludes the existence of a contract relation between himself and the board employing him. His is purely a contract relation. *Butler v. Regents*, 32 W 124.

The regents have no powers except such as are conferred by statute. The heating and lighting of public halls and rooms of the university are necessary and convenient for the accomplishment of its objects; and the regents may charge a fee to each student for such heating and lighting as a part of the incidental expenses. *State ex rel. Priest v. Regents*, 54 W 159, 11 NW 472.

The university having acquired lands constituting its "campus" with a view of constructing thereon necessary buildings, and the legislature having authorized the regents to lease such lands for long terms to private nonprofit corporations, which will construct buildings thereon to be devoted to university purposes and rent the same to the regents, who will pay the rentals and eventually pay for the buildings out of operating revenues, there is ample consideration to support the lease; and the leasing of the lands does not give state property to a private corporation for private purposes without compensation. Neither is the credit of the state loaned by the transaction to any individual, association or corporation. *Loomis v. Callahan*, 196 W 518, 220 NW 816.

The propriety of acts of the regents in acquiring real estate thereby exempting it from taxation is for the legislature, not for the court. *Aberg v. Moe*, 198 W 349, 224 NW 132.

The regents have authority to condemn and acquire private property for a site for a building to be used for proper university purposes, under a plan whereby a private, nonprofit corporation organized for the purpose of aiding the university by solicitation of gifts, etc., will furnish the money and construct the building, but will have no interest in the property, and the regents will have exclusive control of the project. (*Schumm v. Milwaukee County*, 258 W 256, distinguished.) To authorize condemnation, it is not necessary that the board show that it now has the money on hand to complete the project for which the land is being acquired. *Wisconsin Chapter House Asso. v. Regents*, 260 W 206, 50 NW (2d) 469.

The sale of 33.83 acres of agricultural lands at a price of \$6,000 cash per acre, together with other items constituting the consideration for the sale, was not an abuse of discretion by the Board of Regents as selling at an inadequate price because of the value of such lands for business purposes. *Glendale Development v. Board of Regents*, 12 W (2d) 120, 106 NW (2d) 430.

See note to sec. 3, art. I, on limitations imposed by the Fourteenth Amendment, citing *Soglin v. Kauffman*, 418 F (2d) 163.

See note to sec. 1, art. I, on limitations imposed by the Fourteenth Amendment, citing *Marzette v. McPhee*, 294 F Supp. 562, and *Stricklin v. Regents*, 297 F Supp. 416.

See note to sec. 3, art. I, on limitations imposed by the Fourteenth Amendment, citing *Lee v. Board of Regents of State Colleges*, 306 F Supp. 1097.

The regents of the university have no authority to employ attorneys. 1903 Atty. Gen. 871.

The regents of the university have the power to defray the salary and expenses of a high school inspector out of the general university fund. 1910 Atty. Gen. 725.

The regents of the university have implied authority to pay expenses of applicants, coming to Madison for conferences looking toward future employment, out of the available public funds. 7 Atty. Gen. 167.

The regents have authority to enter into an agreement with the U. S. department of agriculture for the maintenance of forest-products laboratories in exchange for teaching and research facilities. 20 Atty. Gen. 22.

The university may assess and collect fines in accordance with action of the regents imposing penalties upon students violating university traffic rules. 21 Atty. Gen. 217.

The regents have power to grant the use of university buildings to public bodies and nonprofit-making associations having educational programs on a charge basis and at times not interfering with other university uses. 22 Atty. Gen. 332.

The regents may cooperate with the state highway commission by leasing to it lands for construction of a highway materials and testing laboratory to be used by both highway commission and students of the university for laboratory and research purposes. 26 Atty. Gen. 555.

Contracts and leases requiring approval of the state engineer and governor under 36.06 (6) are those between the regents and a nonprofit-sharing corporation or corporations; contracts and leases between such nonprofit-sharing corporation or corporations and third parties do not require such approval. 35 Atty. Gen. 440.

The regents do not have statutory authority to restrict admission of students, resident or nonresident, because of budgetary shortages. 52 Atty. Gen. 217.

36.061 History: 1969 c. 154; Stats. 1969 s. 36.061.

36.062 History: 1919 c. 116 s. 11; Stats. 1919 s. 36.062.

The regents under 36.062 and 36.065, Stats. 1957, have authority to participate in an association with other universities for astronomi-

cal and related scientific research and to become a member of a nonprofit Arizona corporation organized for that purpose. Gift money properly available for that purpose may be utilized to finance the university's share of the costs of such undertaking. 46 Atty. Gen. 249.

The regents have authority to participate in a nonprofit Illinois corporation along with other universities for the purpose of promoting scientific research and making available to students and faculty of the university the opportunities and facilities of such association. 47 Atty. Gen. 149.

36.063 History: 1953 c. 360; Stats. 1953 s. 36.063; 1969 c. 276 s. 594 (6).

36.065 History: 1917 c. 14 s. 66; Stats. 1917 s. 20.39 (8) (b) to (d); 1931 c. 67 s. 84; Stats. 1931 s. 36.065; 1949 c. 263; 1957 c. 156; 1961 c. 279; 1969 c. 276 s. 603 (3).

Under the terms of a gift of money from anonymous donors to the university, and other facts and circumstances presented in the instant action, the board of regents' giving of a part of such money to the nonprofit corporate purchaser of the lands in question from the board, to aid the purchaser in making the purchase, was not giving public property away for a private purpose contrary to law, and was not an abuse of discretion by the board. *Glen-dale Development v. Board of Regents*, 12 W (2d) 120, 106 NW (2d) 430.

The board of regents may accept gifts to assist in the construction of buildings for infirmary purposes. 7 Atty. Gen. 289.

After the board of regents has accepted a bequest it may not thereafter reconsider its action and reject the bequest. 26 Atty. Gen. 626.

As a result of the passage of 39.024 (3) (h), the board of regents, under 36.065, has authority to use funds derived from general gifts to the university for the benefit of University of Wisconsin-Milwaukee or university extension centers. 46 Atty. Gen. 143.

See note to 36.062, citing 46 Atty. Gen. 249.

36.068 History: 1969 c. 59; Stats. 1969 s. 36.068.

36.07 History: 1913 c. 217; Stats. 1913 s. 381m; 1917 c. 453 s. 2; Stats. 1917 s. 36.07; 1929 c. 255; 1967 c. 26.

36.08 History: R. S. 1849 c. 18 ss. 13, 16; R. S. 1858 c. 21 ss. 13, 16; R. S. 1878 s. 382; Stats. 1898 s. 382; 1913 c. 758 s. 6; 1917 c. 453 s. 2; Stats. 1917 s. 36.08.

36.09 History: 1866 c. 114 s. 12; R. S. 1878 s. 383; 1881 c. 124; 1889 c. 174; Ann. Stats. 1889 s. 383, 383a; 1897 c. 282; Stats. 1898 s. 383; 1917 c. 453 s. 2; Stats. 1917 s. 36.09; 1931 c. 45 s. 1; 1959 c. 228 s. 64; 1969 c. 276.

36.10 History: 1895 c. 296; Stats. 1898 s. 383a; 1903 c. 260 s. 2; Supl. 1906 s. 383a; 1917 c. 453 s. 2; Stats. 1917 s. 36.10; 1947 c. 9 s. 31; 1949 c. 179; 1959 c. 228 s. 66.

Under 36.10 and 20.41 (15), Stats. 1949, gifts, grants, devises or bequests of money to the regents for student loans are to be deposited in the state treasury in the absence of the expression by the donor of a contrary intention. 38 Atty. Gen. 631.

36.11 History: 1909 c. 497; 1911 c. 663 s. 11; Stats. 1911 s. 383m; 1913 c. 758 s. 5, 6; 1917 c. 453 s. 2; 1917 c. 628 s. 7; Stats. 1917 s. 36.11; 1959 c. 659 s. 52; 1969 c. 276 s. 603 (1).

36.12 History: 1866 c. 114 s. 10, 11; 1869 c. 13 s. 1; R. S. 1878 s. 384; Stats. 1898 s. 384; 1917 c. 453 s. 2; Stats. 1917 s. 36.12; 1969 c. 276 s. 603 (3).

See note to sec. 3, art. XIII, citing *Martin v. Smith*, 239 W 314, 1 NW (2d) 163.

36.13 History: R. S. 1858 c. 21 s. 1; 1866 c. 114; 1869 c. 87; R. S. 1878 s. 385; 1889 c. 273 s. 1; Ann. Stats. 1889 s. 385; Stats. 1898 s. 385; 1907 c. 428; 1909 c. 36; 1911 c. 631; 1911 c. 664 s. 150; 1913 c. 758 s. 6; 1917 c. 14 s. 69; 1917 c. 412; 1917 c. 453 s. 2; 1917 c. 671 s. 17; Stats. 1917 s. 36.13; 1919 c. 33 s. 2, 3; 1939 c. 142; 1943 c. 479; 1949 c. 358; 1963 c. 92; 1967 c. 29 s. 4; 1967 c. 43; 1969 c. 154.

36.14 History: 1866 c. 114 s. 2, 3; R. S. 1878 s. 386; 1889 c. 273 s. 2; Ann. Stats. 1889 s. 386; Stats. 1898 s. 386; 1915 c. 334; 1917 c. 453 s. 2; Stats. 1917 s. 36.14; 1919 c. 116 s. 6; 1945 c. 33; 1969 c. 276 s. 603 (3).

36.15 History: 1866 c. 114 s. 4; 1867 c. 117; 1878 c. 333; R. S. 1878 s. 387; 1895 c. 243 s. 2; Stats. 1898 s. 387, 458d; 1907 c. 579; 1909 c. 66; Stats. 1911 s. 387; 1915 c. 229; 1917 c. 453 s. 2; Stats. 1917 s. 36.15; 1923 c. 226; 1941 c. 66; 1959 c. 328.

The board of regents may approve or disapprove determinations of the faculty as to military science instruction, but cannot modify its action. 49 Atty. Gen. 98.

36.16 History: 1866 c. 114 s. 5, 8, 9; 1873 c. 63; R. S. 1878 s. 388; Stats. 1898 s. 388; 1901 c. 344; Supl. 1906 s. 388; 1907 c. 105; 1913 c. 758 s. 6; 1915 c. 547; 1917 c. 14 s. 67; 1917 c. 359; 1917 c. 453 s. 2; Stats. 1917 s. 36.16; 1925 c. 322; 1929 c. 466 s. 3; 1935 c. 543; 1937 c. 181 s. 3; 1937 c. 383; 1939 c. 513 s. 8; 1953 c. 249, 271, 378; 1955 c. 595; 1957 c. 318; 1963 c. 224, 459, 475; 1965 c. 163; 1969 c. 260; 1969 c. 276 s. 603 (3), (4); 1969 c. 392 s. 86.

"Fees for tuition," is construed to mean fees for instruction only and not charges made to students to meet incidental expenses. *State ex rel. Priest v. Regents*, 54 W 159, 11 NW 472.

Under some circumstances a minor may fix his own residence. The residence of a minor may or may not be that of his guardian. 5 Atty. Gen. 456.

The status of a person with reference to payment of tuition fees at the university is discussed in 4 Atty. Gen. 929 and 6 Atty. Gen. 83.

A mother who is separated from her husband by voluntary separation and supports herself and daughter may establish a separate residence in this state so as to exempt her daughter from the payment of tuition. 7 Atty. Gen. 564.

See note to 246.15, citing 18 Atty. Gen. 359.

The requirement of 36.16 (2) as to time of submitting recommendations for remission of nonresident tuition is mandatory. 28 Atty. Gen. 156.

The regents are not prohibited by 36.16 (1) (a) or otherwise from accepting nonresident tuition from the veterans administration on

behalf of resident veteran trainees enrolled at the university in accordance with conditions specified by the veterans administration for payment of such nonresident tuition. 34 Atty. Gen. 318.

See note to 37.11, citing 54 Atty. Gen. 27.

For discussion of residence status of a student whose parents remove from the state and residence status of members of the armed forces on active duty within the state see 54 Atty. Gen. 68.

36.161 History: 1935 c. 535 s. 3; Stats. 1935 s. 36.161; 1957 c. 632, 635; 1965 c. 463; 1969 c. 276 ss. 595 (1), 603 (3).

36.17 History: 1889 c. 458 s. 1 to 3; Ann. Stats. 1889 s. 391b, 391c, 391d; Stats. 1898 s. 392a; 1907 c. 413; 1909 c. 306; 1911 c. 631; Stats. 1911 s. 392a, 1494j; 1913 c. 758 s. 5; 1917 c. 453 s. 2; Stats. 1917 s. 36.17, 1494j; 1919 c. 33 s. 4; Stats. 1919 s. 36.17; 1935 c. 535; 1943 c. 225; 1945 c. 582; 1965 c. 163; 1969 c. 154; 1969 c. 276 s. 602 (1).

36.18 History: 1917 c. 412; 1917 c. 671 s. 17; Stats. 1917 s. 36.13 (8); 1919 c. 33 s. 3; Stats. 1919 s. 36.18; 1969 c. 276 s. 603 (1), (3).

36.185 History: 1937 c. 181 s. 5; Stats. 1937 s. 36.185; 1939 c. 142; 1939 c. 513 s. 9; 1959 c. 659 s. 76; 1963 c. 401; 1967 c. 29 ss. 4, 5; 1969 c. 276 ss. 582 (13), 603 (3).

36.19 History: 1911 c. 624; Stats. 1911 s. 392em—8; 1913 c. 758 s. 6; 1917 c. 453 s. 2; Stats. 1917 s. 36.19; 1969 c. 276 s. 603 (3).

36.195 History: 1945 c. 283; Stats. 1945 s. 36.195.

36.20 History: 1913 c. 646; 1913 s. 392em—8a; 1917 c. 453 s. 2; 1917 c. 658 s. 3; Stats. 1917 s. 36.20; 1919 c. 116 s. 1, 5; 1967 c. 29 ss. 1, 2; 1969 c. 276 s. 603 (1), (3).

36.215 History: 1885 c. 9; 1887 c. 62; Ann. Stats. 1889 s. 1494c; Stats. 1898 s. 1494b; 1905 c. 53 s. 1; Supl. 1906 s. 392e; 1907 c. 318; 1909 c. 306; 1911 c. 631; Stats. 1911 s. 392e, 1494b, 1494—12m; 1913 c. 758 s. 5, 6; 1917 c. 453 s. 2; Stats. 1917 s. 36.18, 1494b, 1494—12m; 1919 c. 33 s. 5; 1919 c. 421; 1919 c. 671 s. 8; Stats. 1919 s. 36.215; 1933 c. 140 s. 2; 1945 c. 170; 1949 c. 643; 1955 c. 385 s. 57; 1957 c. 431; 1959 c. 549; 1965 c. 433 s. 121; 1967 c. 291 s. 14; 1969 c. 55; 1969 c. 276 ss. 588 (1), 603 (3); 1969 c. 366 s. 117 (2) (a).

36.216 History: 1965 c. 163; Stats. 1965 s. 36.216; 1969 c. 276.

36.217 History: 1965 c. 376; Stats. 1965 s. 36.217; 1969 c. 276 s. 588 (1); 1969 c. 366 s. 117 (2)(a).

36.22 History: 1937 c. 181 s. 5; Stats. 1937 s. 36.22; 1943 c. 229; 1967 c. 29 s. 1; 1969 c. 276 ss. 583 (1), 603 (1); 1969 c. 366 s. 117 (2)(a).

36.225 History: 1911 c. 519; 1911 c. 664 s. 108; Stats. 1911 s. 1406m; 1917 c. 14 s. 71; 1919 c. 33 s. 6; Stats. 1919 s. 36.225; 1949 c. 606; 1953 c. 54; 1957 c. 528; 1959 c. 659 s. 76; 1965 c. 614; 1967 c. 29 s. 1; 1969 c. 276 ss. 243, 244, 245, 603(5).

Specimens described in 36.225(5), Stats. 1961, when properly submitted by licensed

personnel must be examined without charge by the laboratory of hygiene. The laboratory cannot deny service to physicians in one area of the state while granting service to physicians elsewhere in Wisconsin. 52 Atty. Gen. 24.

36.227 History: 1925 c. 397 s. 3; Stats. 1925 s. 36.227; 1943 c. 33; 1953 c. 54; 1957 c. 528; 1961 c. 464; 1965 c. 292 s. 11(3); 1965 c. 433 s. 121; 1967 c. 291 s. 14; 1969 c. 276 ss. 246, 589(1)(c), 603(6); 1969 c. 366 s. 117 (2)(b).

Doctors in the service of the psychiatric institute are not entitled to per diem when called by the state department of mental hygiene to testify as experts in lunacy or sterilization proceedings if such services are within the terms of their employment. They are entitled to per diem if such services are not within the terms of their employment. 27 Atty. Gen. 661.

36.23 History: 1897 c. 297 s. 2; 1911 c. 663 s. 13; Stats. 1911 s. 392j—2; 1917 c. 453 s. 2; Stats. 1917 s. 36.24; 1931 c. 67 s. 159; Stats. 1931 s. 36.23.

36.24 History: 1931 c. 67 s. 160; Stats. 1931 s. 36.24.

36.245 History: 1965 c. 502, 614; Stats. 1965 s. 36.245; 1967 c. 110; 1967 c. 291 s. 14; 1969 c. 154, 276.

36.25 History: 1931 c. 67 s. 161; Stats. 1931 s. 36.25; 1965 c. 517.

36.26 History: 1897 c. 297 s. 4; 1911 c. 663 s. 13; Stats. 1911 s. 392j—4; 1917 c. 453 s. 2; Stats. 1917 s. 36.26; 1931 c. 45; 1931 c. 67 s. 162; 1969 c. 276 s. 596.

36.27 History: 1897 c. 297 s. 4; 1911 c. 663 s. 13; Stats. 1911 s. 392j—5; 1917 c. 453 s. 2; Stats. 1917 s. 36.27; 1945 c. 33; 1953 c. 61 s. 2; 1969 c. 276 ss. 602(1), 603(1); 1969 c. 392 s. 87(4).

36.28 History: 1909 c. 403; 1911 c. 627; Stats. 1911 s. 392k—1; 1917 c. 453 s. 2; Stats. 1917 s. 36.28.

36.29 History: 1907 c. 641; 1907 c. 676 s. 23; 1909 c. 458; 1911 c. 627; Stats. 1911 s. 392i; 1913 c. 772 s. 59; 1917 c. 453 s. 2; Stats. 1917 s. 36.29.

36.30 History: 1913 c. 672; Stats. 1913 s. 392l—1; 1917 c. 453 s. 2; Stats. 1917 s. 36.30; 1943 c. 20; 1945 c. 33; 1967 c. 29 s. 2; 1969 c. 276 s. 590(1).

36.31 History: Spl. S. 1920 c. 30 s. 1; Stats. 1921 s. 36.31; 1959 c. 620 s. 2.

On the Wisconsin general hospital see notes to various sections of ch. 142.

Legal title to the Wisconsin orthopedic hospital for children is in the state as provided by ch. 399, Laws 1951, and said hospital is under the control and supervision of the regents. 40 Atty. Gen. 399.

36.33 History: 1941 c. 34; Stats. 1941 s. 36.33.

Neither the state nor the board of regents is liable for injuries suffered by persons who climb the radio towers of station WHA with-

out authority. Officers and agents in charge of the station are not liable to trespassers of mature intelligence. If reasonable safeguards have been provided, officers and agents are not liable under the attractive nuisance doctrine for injuries to trespassing children. 36 Atty. Gen. 565.

36.34 History: 1953 c. 505; Stats. 1953 s. 36.34; 1955 c. 467, 689; 1957 c. 401; 1961 c. 610; 1965 c. 433 s. 121; 1967 c. 26; 1967 c. 29 s. 4; 1967 c. 291 s. 14; 1969 c. 154 s. 377; 1969 c. 276 s. 603 (1), (3).

Problems arising under a proposal to develop a shopping center on lands of the university of Wisconsin are discussed in 46 Atty. Gen. 83 and 47 Atty. Gen. 9 and 124.

36.36 History: 1959 c. 620 s. 4; Stats. 1959 s. 36.36; 1969 c. 276 s. 603 (4).

36.43 History: 1969 c. 229; 1969 c. 392 s. 18; Stats. 1969 s. 36.43.

36.45 History: 1969 c. 89; Stats. 1969 s. 36.45.

36.46 History: 1969 c. 296; Stats. 1969 s. 36.46.

36.47 History: 1969 c. 26; Stats. 1969 s. 36.47.

36.49 History: 1969 c. 27; Stats. 1969 s. 36.49.

36.50 History: 1939 c. 174; Stats. 1939 s. 348.55; 1955 c. 696 s. 287; Stats. 1955 s. 36.50.

CHAPTER 37.

State Universities.

37.01 History: 1969 c. 276; Stats. 1969 s. 37.01.

An action on a teacher's contract and for the reasonable value of services as manager of the school cafeteria was not maintainable against the board of regents, as such board is an agency of the state to perform specified administrative duties and the state has not waived immunity to suit. *Sullivan v. Board of Regents*, 209 W 242, 244 NW 563.

37.02 History: 1866 c. 116; 1869 c. 151 s. 26; 1878 c. 227; R. S. 1878 s. 394; Stats. 1898 s. 394; 1913 c. 758 s. 3; 1917 c. 453 s. 3; Stats. 1917 s. 37.02; 1919 c. 531; 1929 c. 468 s. 3; 1945 c. 20; 1947 c. 28; 1949 c. 486; 1951 c. 268, 548; 1953 c. 61, 402; 1955 c. 144; 1959 c. 460; 1963 c. 419; 1965 c. 215; 1969 c. 58; 1969 c. 276 ss. 249, 594 (1), 602 (1), (4).

On loaning the credit of the state see notes to sec. 3, art. VIII; and on contracting state debts see notes to sec. 4, art. VIII.

The board of regents of the normal schools has no authority to employ attorneys. 1908 Atty. Gen. 871.

The board of regents cannot appear or permit an instructor to appear before a legislative committee at its expense except on matters relating to normal schools. 4 Atty. Gen. 167.

The board of regents has no power to lease any of the lands under its control for hospital purposes without express authority from the legislature. 6 Atty. Gen. 527.

The board of regents has implied authority to pay expenses of applicants, coming to the schools for conferences looking toward future employment, out of available public funds. 7 Atty. Gen. 167.

The board of regents has no power to grant an easement across school grounds for construction of an electric power line. 20 Atty. Gen. 330.

The board of regents may pay North Central Association of Schools and Colleges for membership dues and inspection fees of teachers' colleges seeking to be accredited in that association. However, the inspection fee may not be paid in advance of inspection. 23 Atty. Gen. 784.

The board of regents has power to acquire title to real estate suitable for dormitory purposes under plan whereby a nonstock, non-profit corporation having title thereto would convey the title to said board subject to its retaining possession and use for such a period as would enable the corporation by operating the property as a dormitory for state college students to amortize a real estate mortgage thereon, after which event said board of regents would directly manage said property. 34 Atty. Gen. 260.

State college property may be used for educational purposes solely and none other. Such property is not available to private organizations for religious instruction. 36 Atty. Gen. 522.

The board of regents has no statutory authority to lease lands to a city on a 15-year lease for recreational purposes. 39 Atty. Gen. 275.

The board of regents is not authorized to provide for curbs and gutters on state-owned property bordering city streets, and such property is exempt from special taxes or assessments where such improvements are furnished by the city. 40 Atty. Gen. 281.

37.03 History: 1866 c. 116 s. 11; 1869 c. 151 s. 24, 36; 1870 c. 29 s. 2; 1876 c. 13 s. 1; R. S. 1878 s. 395; Stats. 1898 s. 395; 1905 c. 168 s. 2; Supl. 1906 s. 395; 1917 c. 453 s. 3; Stats. 1917 s. 37.03; 1969 c. 276.

37.05 History: 1913 c. 200; Stats. 1913 s. 396a; 1917 c. 453 s. 3; Stats. 1917 s. 37.05; 1951 c. 548; 1969 c. 276 s. 602 (1), (4), (5).

37.055 History: 1969 c. 59; Stats. 1969 s. 37.055.

37.06 History: 1866 c. 116 s. 6; 1867 c. 30 s. 3; 1869 c. 151 s. 25, 30, 42; 1876 c. 13 s. 2; R. S. 1878 s. 397; Stats. 1898 s. 397; 1917 c. 453 s. 3; Stats. 1917 s. 37.06; 1919 c. 362 s. 19; 1945 c. 20; 1951 c. 548; 1969 c. 276.

37.07 History: 1869 c. 151 s. 27; 1875 c. 5 s. 1; R. S. 1878 s. 401; 1879 c. 98; Ann. Stats. 1889 s. 401; 1895 c. 296; Stats. 1898 s. 401; 1905 c. 168 s. 4; Supl. 1906 s. 401; 1917 c. 453 s. 3; Stats. 1917 s. 37.07; 1945 c. 20; 1947 c. 9 s. 31; 1949 c. 179; 1951 c. 548; 1959 c. 228 s. 66; 1969 c. 276 s. 602 (1), (4).

Under 37.07, Stats. 1919, the secretary of the board of regents certifies only as to the action of the board; he does not pass on the correctness of a claim. 8 Atty. Gen. 575.

37.08 History: 1909 c. 495; 1911 c. 663 s. 18; Stats. 1911 s. 401m; 1913 c. 758 s. 2, 3;